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| 10/065,999 | 12/09/2002 | Daniel Saraceno | 10742.3801 | 6675 |
| 22235 | 7590 | 04/14/2004 | EXAMINER | |
| MALIN HALEY AND DIMAGGIO, PA 1936 S ANDREWS AVENUE FORT LAUDERDALE, FL 33316 | | | LAWRENCE JR, FRANK M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1724 | |

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,999

Applicant(s)

SARACENO, DANIEL

Examiner

Frank M. Lawrence

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 36 (paragraph 0017). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The recitation of claim 7 does not have basis in the specification.

3. The disclosure is objected to because of the following informalities: In line 9 of claim 1, “a” should be inserted before “pump” for clarity. In line 5 of claim 14, “the filters” should be changed to “means for filtering” or “filtering means” to remain consistent with the rest of the claim while not further limiting the means for filtering to more than one filter.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6, 7 and 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 is indefinite because it is unclear whether “a pump”

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refers to the pump of claim 1 because it reads as a second pump. To overcome this rejection, "further comprising a pump" may be deleted. Claim 15 is indefinite because the "means for supplying water" is recited in addition to the "pump means" of claim 14. It is unclear whether the means for supplying water refers to the pump means or an outside source of water. Claims 7, 16 and 17 are rejected for being dependent from a rejected claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5, 6, 8-10, 13-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Monroe et al. (5,445,729).

8. Monroe et al. '729 teach a system for purifying water, comprising a small, portable cabinet (10) having two halves screwed together, a water conduit, a plurality of filters in the cabinet including a sediment filter (12) to screen particulates, a RO filter (15), a second particulate filter (15), and an active carbon filter (20) in the conduit, a UV light source (13) in the conduit for sterilizing water after the sediment filter and optionally again after the carbon filter, a pump (17) for providing water pressure in the conduit, and a power source including an external plug (123) for connection to a receptacle outside the cabinet, a battery (124), or a solar array (126) connected to the battery, pump, and UV source (see abstract, figures, col. 9, lines 31-47, col. 10, lines 26-46, col. 11, lines 33-54, col. 12, lines 18-38, col. 13, line 67 to col. 14, line 8,

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col. 15, lines 54-58, col. 19, lines 46-50). Power will be supplied to the pump during and after power is supplied to the UV source.

9. Claims 1, 2, 4-7, 9, 10 and 12-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Duke (6,436,283).

10. Duke '283 discloses a portable rainwater purifying system comprising a portable cabinet (2) having an access door (18), wheels (97) and a hitch handle (95), a water conduit (40), a plurality of filters in the cabinet including a pre-strainer (33), a sediment filter (45) to screen particulates, a first particle filter (65), and a second particle filter (66) in the conduit, a UV light source (70) in the conduit for sterilizing water after the particle filters, a pump (48) for providing 40 lbs water pressure in the conduit, and a power source including an external source or several solar panels (28) for providing power in conjunction with a battery (49) to the pump and UV source (see abstract, figures, col. 6, lines 25-29, col. 7, line 40 to col. 8, line 54, col. 9, lines 11-24, col. 10, lines 42-54, col. 11, line 16 to col. 12, line 44). Power will be supplied to the pump during and after power is supplied to the UV source.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duke '283 in view of Brown (6,428,694).

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13. Duke '283 discloses all of the limitations of the claim except that there is a power receptacle for providing electrical power located outside the cabinet. Brown '694 discloses a solar powered water treatment unit including a solar power source and dual receptacles (abstract, col. 4, lines 38-43). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Duke '283 by using receptacles in order to provide a source of power for auxiliary electronic devices.

14. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Monroe et al. '729 or Duke '283 in view of Woodward (5,484,538).

15. Either one of Monroe et al. '729 or Duke '283 disclose all of the limitations of the claim except that there is a malfunction indicator for the UV light. Woodward '538 discloses a portable cabinet for treating water with filtration and UV light, comprising a photo-electric sensor for detecting operation of the UV light and a LED readout light for indicating an ultraviolet light failure (col. 8, lines 28-63). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the devices of either one of Monroe et al. '729 or Duke '283 by including a UV malfunction indicator in order to provide a means for allowing a user to know whether the purification system is producing purified water or if the sterilizing lamp needs replacing.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references listed on the attached PTO-892 form disclose portable or UV water treatment systems.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 571-272-1161.

The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank M. Lawrence
Primary Examiner
Art Unit 1724

Frank Lawrence
4-7-04

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